

Notice of Allowability

Application No.

09/353,723

Examiner

Frantzy Poinvil

Applicant(s)

SILVERMAN, JOHN EDWARD

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9/27/04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 14 July 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/29/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

[Signature]
Fi. _____
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DETAILED ACTION

Allowable Subject Matter

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

As per claim 1, lines 2 and 3, the phrase "involved in a first financial transaction between a merchant and a customer" has been deleted. Also on line 2, the phrase - -, said valuable item being one of a first item and another item - - has been inserted after "item".

On line 4, - - first - - has been inserted before "item". Also on line 4, "said" has been deleted and replaced with - - a - -.

On line 5, - -between a merchant and said customer- - has been inserted after "transaction".

On line 16, "one of" has been deleted. Also on line 16, after the first occurrence of "said", - -first - - has been inserted. Also on line 16, - - said - - has been inserted before "another".

On line 19, the first occurrence of "said" has been deleted. Also on line 19, - - first - - has been inserted after the second occurrence of "said".

On line 20, - - said - - has been inserted before "another".

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As per claim 2, line 6 -- first -- has been inserted before "item".

As per claim 5, line 1 -- first -- has been inserted after "said".

As per claim 6, line 1 -- first -- has been inserted after "said".

As per claim 8, line 2 -- first -- has been inserted after "said". On line 4, -- first -- has been inserted before "item".

As per claim 9, line 3, -- first -- has been inserted after "said".

As per claim 10, line 3 -- first -- has been inserted before "item".

As per claim 11, line 5 -- first -- has been inserted before "item".

As per claim 12, line 3 -- first -- has been inserted before "item".

As per claim 14, line 3 -- first -- has been inserted before "item".

As per claim 16, lines 2 and 3, the phrase "involved in a first financial transaction between a merchant and a customer" has been deleted. Also on line 2, the phrase --, said valuable item being one of a first item and another item-- has been inserted after "item".

On line 5, -- first -- has been inserted before "item".

On line 6, "said" has been deleted and replaced with -- a --. Also on line 6, -- between a merchant and said customer-- has been inserted after "transaction".

On line 18, "one of" has been deleted.

On line 19, after the first occurrence of "said" -- first -- has been inserted. Also on line 19, -- said -- has been before "another".

On line 22, "said" first occurrence has been deleted. Also on line 22, --first-- has been inserted after the second occurrence of "said".

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As per claim 18, line 3, -- first -- has been inserted before "item". On line 5 -- first -- has been inserted before "item". On line 6 -- first -- has been inserted before "item".

As per claim 20, lines 2 and 3, the phrase "involved in a first financial transaction between a merchant and a customer" has been deleted. Also on line 2, the phrase -- ,said valuable item being one of a first item and another item -- has been inserted after "item".

On line 4 -- first -- has been inserted before "item". Also on line 4, "said" has been deleted and replaced with -- a --.

On line 5 -- between a merchant and said customer-- has been inserted after "transaction".

On line 6 -- first -- has been inserted before "item".

On line 8, -- first -- has been inserted before "item".

On line 10 --first -- has been inserted before "item".

On line 29, "one of" has been deleted. Also on line 29, after "said" --first-- has been inserted. Also on line 29, -- said -- has been inserted before "another".

On line 33 "said " first occurrence has been deleted. Also on line 33 -- first-- has been inserted after the second occurrence of "said".

2. Authorization for this examiner's amendment was given in a telephone interview with Charlene Jacobsen (Reg. No. 42,688) on 29 November 2004.

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3. The following is an examiner's statement of reasons for allowance:

The prior art taken alone or in combination failed to teach or suggest engaging in a second financial transaction between the customer and merchant, the second financial transaction occurring after the first financial transaction and involving one of the first item and another item at the option of the customer, and the second financial transaction causing funds record in the RCA to be reduced and transferring affected ownership rights of the one of the first item and the another item to the customer in response to second financial transaction as recited in independent claim 1.

The prior art taken alone or in combination failed to teach or suggest using a computer system, a second financial transaction between a customer and a merchant, the second financial transaction occurring after the first financial transaction and involving the first item and the another item at the option of the customer and causing funds recorded in a reserve credit account for the customer to be reduced and transferring ownership rights as recited in independent claim 16.

The prior art taken alone or in combination failed to teach or suggest engaging in a second financial transaction between a customer and a merchant, the second financial transaction occurring after the first financial transaction and involving the first item and the another item at the option of the customer and causing funds recorded in the customer's reserve credit account to be reduced and transferring ownership rights as recited in independent claim 20.

4. DeMarrais, Kevin G., "Price of Used Cars Falling As Leases Come To An

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End", The Record, Bergen County, NJ: April 9, 1998, describes the falling prices of used vehicles and the buying or leasing options of a customer.

Nguyen, John H. (EP 0 905 601 A1) discloses a system and method for the management of a leased item.

DeMarrais and Nguyen taken alone or in combination failed to teach or suggest the above noted features recited in claims 1, 16 and 20.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) 872-9327 for After Final.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

November 29, 2004


Frantzy Poinvil
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